

## **EXHIBIT D**



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# CAULEY GELLER

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## CAULEY GELLER

### The Firm's Practice and Achievements

Cauley Geller is a national law firm that represents investors and consumers in class action and corporate governance litigation. It is one of the country's premiere firms in the area of securities fraud, with in-house finance and forensic accounting specialists and extensive trial experience. Since its founding, Cauley Geller has recovered in excess of two billion dollars on behalf of aggrieved shareholders and consumers.

The attorneys at Cauley Geller are uniquely qualified to prosecute complex accounting and financial fraud cases. Several of the firm's attorneys are CPAs, MBAs, or otherwise have Big Five auditing experience. The firm's reputation for excellence in accounting fraud and other complex class actions has been recognized on repeated occasions by federal and state court judges who have appointed the firm to serve as lead or co-lead counsel in numerous cases pending throughout the country.

In addition to its strong personnel, Cauley Geller is well-capitalized, allowing it to dedicate considerable resources and to advance expenses on a contingency fee basis to the fullest extent necessary to achieve the best possible result for class members. As a result of its successful track record and strong capitalization, the firm enjoys a high level of respect and credibility with the defense bar and insurance carriers that often defend and insure corporations and their officers and directors.

As a firm, Cauley Geller values practicing in a small environment where professional and personal interaction among the partners, associates, paralegals, accounting staff and other personnel allow for a true "team approach" to litigation strategy that fosters an energetic exchange of ideas. The firm believes its size allows for a greater degree of independence, flexibility and satisfaction than a large firm environment, without sacrificing the quality of representation necessary to achieve successful results for its clients.

### The Firm's Partners

**S. GENE CAULEY** is a partner in the Little Rock office of the firm.

Mr. Cauley is a graduate of Vanderbilt University School of Law where he was an oralist on the Jessup International Moot Court Team and represented Vanderbilt in appellate argument competitions. Mr. Cauley graduated *summa cum laude* from the University of Arkansas, where he was named the Outstanding Student in Finance and received the Presidential Scholar Award as the top third-year student in the entire College of Business Administration.

Mr. Cauley has substantial jury trial and arbitration experience representing both plaintiffs and defendants. Mr. Cauley is a recognized authority on class action procedure and often serves as a guest lecturer on class actions. Mr. Cauley has published an article on class action procedure entitled "Life After *Baker v. Wyeth Aherst* and *Arthur v. Zearley*: What Is The Landscape For Class Actions In Arkansas State Court?" The



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ATLA Docket, Summer 1999. Additionally, Mr. Cauley is a regularly quoted expert in the financial press, most recently providing expert commentary on the CBS Morning Show.

Mr. Cauley is licensed to practice in the State of Arkansas, the Eastern and Western Districts of Arkansas, the District Court of Arizona and the United States Court of Appeals for the Third, Sixth, Eighth and Eleventh Circuits. In addition to these courts and jurisdictions, Mr. Cauley regularly works on cases with local counsel throughout the country.

Since 1994, Mr. Cauley has concentrated his practice in the area of complex commercial litigation, with a particular emphasis on securities and consumer fraud litigation. Mr. Cauley currently serves as Lead Counsel, Co-Lead Counsel or on the Executive Committee of Counsel in multiple pending class actions and shareholder derivative litigations throughout the United States. A representative sample of these actions includes: *In re NewPower Holdings Securities Litigation*, U.S.D.C., Southern District of New York, No. 02Civ1550 (CLB) (\$26 million proposed partial settlement); *Marc Abrams v. Baxter International, Inc., et al.*, U.S.D.C., Northern District of Illinois, No. 02 C 5742; and *Paul L. Ruble, et al. v. Rural Metro Corp., et al.*, U.S.D.C., District of Arizona, No. CIV-99-822-PHX-RGS (\$15 million settlement).

Examples of recent class actions in which Mr. Cauley played a significant role in achieving a substantial settlement include: *Martin Fogel v. Information Management Associates, Inc.*, U.S.D.C., District of Connecticut, No. 3:00-CV-135 (AWT) (\$4.1 million settlement); *Lynne H. Sinay, et al. v. Boron Lepore & Associates, Inc., et al.*, U.S.D.C., District of New Jersey, No. 99-2231 (\$4.7 million settlement); *Isabel J. Griffin v. Medpartners, Inc.*, Cir. Ct. of Jefferson Cty., Alabama No.: 98-00297 (a case arising out of an initial public offering of securities which settled for \$65 million, of which \$25 million was allocated to the class of shareholders represented specifically by Mr. Cauley); *State of Wisconsin Investment Board, et al. v. Harold Ruttenberg, et al.* (Just For Feet), U.S.D.C., Northern District of Alabama, Southern Division, No. CV 99-BU-3097-S (Court Appointed Special Counsel; \$34 million settlement); *Trinity Holdings Corp. v. Sirrom Capital Corporation, et al.*, U.S.D.C., Middle Dist. of Tennessee, Nashville Div. No. 3-98-0643 (a case which settled for \$15 million and in which Mr. Cauley was on the Executive Committee of plaintiffs' lawyers); *Bill Koplovitz, et al. v. Plains Resources, Inc., et al.*, U.S.D.C., Southern District of Texas, Houston Division, No. H-99-4212 (Lead Counsel; \$5.4 million settlement); *In re PaineWebber Limited Partnerships Litigation*, U.S.D.C. Southern District of New York, No. 94 CIV 8546 (CSH) (a case involving the sale of limited partnerships by PaineWebber which resulted in a settlement of \$200 million); *Nasdaq Market-Makers Antitrust Litigation*, U.S.D.C. Southern District of New York, No. CIV-94-3996 (an antitrust case against several market-makers which settled for over \$1 billion); *Dasburg, S.A. v. Corrections Corporation of America, et al.*, Court of the Chancery for the State of Tennessee, 20th Judicial Dist., Davidson Cty., No. 98-2391-III (settlement of \$11.5 million in cash and stock); and *John Neiger v. Doctor Crants, et al.* (Prison Realty), U.S.D.C., Middle District of Tennessee, Nashville Division, No. 3-99-1205 (settlement of \$11.5 million in cash and stock.)

Mr. Cauley is or has been a member of the Pulaski County, Arkansas and American Bar Associations, and the Arkansas Trial Lawyers Association.



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**PAUL J. GELLER** is a partner in the Boca Raton office of the firm.

Mr. Geller earned his Bachelor of Science degree in Psychology from the University of Florida, where he was a member of the University Honors Program. Mr. Geller then earned his law degree, with Highest Honors, from Emory University School of Law. At Emory, Mr. Geller was an Editor of the Law Review, was inducted into the *Order of the Coif* legal honor society, and was awarded multiple American Jurisprudence Book Awards for earning the highest grade in the school in a dozen courses. Before concentrating his practice on the prosecution of class actions in 1996, Mr. Geller spent several years as a commercial litigator with one of the largest corporate law firms in the country, where he defended complex class actions.

Recently, Mr. Geller was named one of the National Law Journals' "40 under 40" – an honor that the well-known legal periodical bestows upon 40 of "the most successful young litigators in America." The July 29, 2002, issue stated that "each attorney on this list has had substantial success already and is expected to lead the nation's litigation bar for decades to come."

A substantial portion of Mr. Geller's practice is devoted to representing shareholders in connection with losses suffered as a result of violations of federal and state securities laws. These class actions typically involve issues such as misrepresentations in connection with public offerings, accounting fraud, illegal market manipulation, and insider trading. Also in the securities law area, Mr. Geller is active in the representation of public shareholders of companies whose shares are acquired through leveraged buyouts, mergers, acquisitions, tender offers, and other corporate restructuring. Mr. Geller has served as Lead or Co-Lead Counsel in representing the public shareholders of many corporations in challenging the fairness of such transactions, the adequacy of disclosures made in connection with the transactions, and the price offered to shareholders for their equity. For example, Mr. Geller recently served as Lead Counsel for a class of shareholders of Intermedia Communications, Inc. in challenging a proposed buyout by WorldCom, Inc. As a result of the prosecution and settlement of the lawsuit, Intermedia shareholders received an additional \$30 million in compensation for their shares. *In re Intermedia Shareholder Litigation*, Thirteenth Judicial Circuit, Hillsborough County, Florida, No. 000-8844.

In addition to securities lawsuits, Mr. Geller has significant experience with consumer fraud and antitrust litigation. Mr. Geller has served as class counsel in cases against some of the nation's largest insurance companies, challenging the practice of marketing and selling "vanishing premium" life insurance policies. In another consumer class action, Mr. Geller served as counsel to one of the Lead Plaintiffs in the *In re American Family Publishers Sweepstakes Litigation*, which asserted that a national sweepstakes contest used in connection with the sale of magazine subscriptions was deceptive. The litigation settled in December 1999 for over \$32 million. Mr. Geller is also involved in many antitrust and mass tort class actions. For example, Mr. Geller serves as one of the members of the Plaintiffs Steering Committee *In re Baycol Products Litigation*, MDL No. 1431 (D. Minn.), a nationally publicized case involving a recalled drug.

During the past few years, several of Mr. Geller's cases have received regional and national press coverage. Mr. Geller has appeared on CNN's Headline News, CNN's Moneyline with Lou Dobbs, ABC, NBC and



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FOX network news programs. Mr. Geller's cases have also been covered by newspapers and magazines such as the New York Times, the Wall Street Journal, the Washington Post, The Arizona Republic, The San Diego Union, U.S. News & World Report, Smart Money, Self, Business Week, the Palm Beach Post, and the Daily Business Review.

Mr. Geller has been or is a member of the Association of Trial Lawyers of America, the American Bar Association, the Palm Beach County Bar Association (former Member of Bar Grievance Committee) and the South Palm Beach County Bar Association (former Co-Chair of Pro Bono Committee).

**CURTIS L. BOWMAN** is a partner in the Little Rock office of the firm.

Mr. Bowman earned his Bachelor of Science degree in Accounting from the University of Arkansas in May 1981, where he was recognized as the Outstanding Accounting Student in his class. Mr. Bowman is a Certified Public Accountant having worked for several years with Price Waterhouse. Mr. Bowman earned his *juris doctorate* with Highest Honors from the University of Arkansas at Little Rock, School of Law, where he was an Editor of the Law Review and received multiple American Jurisprudence Book Awards for earning the highest grade in the school in several courses.

Mr. Bowman began his legal career in 1986, with the Department of Justice Honors Program, a program created by Attorney General Robert Kennedy. Mr. Bowman worked for the Tax Division of the Department of Justice, in Washington, D.C. until October 1990. During his tenure with the DOJ, Mr. Bowman tried dozens of cases involving diverse and complex issues including tax fraud, amortization of core deposit intangibles, "Bivens" actions and judicial review ability of governmental action. While at the Justice Department, Mr. Bowman litigated a matter making it clear that certain action or inaction on the part of the Internal Revenue Service Commissioner is not subject to judicial review. See *Horton Homes, Inc. v. United States of America*, 727 F. Supp. 1450 (1990), affirmed by the Eleventh Circuit Court of Appeals and subsequently overturned prospectively by Congress. During his tenure at the Justice Department, Mr. Bowman was recognized as the "Outstanding Attorney" of the Tax Division (nationwide).

In 1990, Mr. Bowman returned to Little Rock, Arkansas, where he began his private practice of law with the firm of Jack, Lyon & Jones, P.A. In 1993, Mr. Bowman became a partner of Jack, Lyon & Jones and was head of the firm's complex commercial and white collar defense litigation sections. Over the past ten years, Mr. Bowman has been involved in a number of high profile cases, including the criminal defense of a complex "Whitewater" matter wherein the former governor of Arkansas and his attorney were indicted by the Whitewater prosecutor, Kenneth Starr. In that case, *United States of America v. John H. Haley*, 898 F. Supp. 654 (1995), Haley and Tucker successfully argued to the District Court that Kenneth Starr had exceeded his jurisdiction in prosecuting citizens of the State of Arkansas as opposed to officers of the Executive Branch with whom Attorney General Reno had a conflict of interest. That case was subsequently reversed by the Eighth Circuit Court of Appeals.





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Mr. Bowman's litigation experience is broad and includes both the prosecution and defense of cases on behalf of individuals and classes involving death penalty matters; common law civil fraud; securities fraud; RTC savings and loan litigation; general commercial litigation; white collar crime; and tax matters. Mr. Bowman's class action experience includes the successful defense of a string of related class actions brought against Rapid Acceptance Corporation alleging that Rapid had charged consumers an amount of interest in excess of the amount allowed by law.

Mr. Bowman is also actively involved in many of the firm's securities class actions, particularly those involving accounting fraud, and is taking the lead role for the firm in such cases as *Rosa E. Garza v. J.D. Edwards & Co.*, U.S.D.C. District of Colorado, No. 99-1744, (settlement of \$15 million, wherein Mr. Bowman served as Co-Lead Counsel); *Betty M. Lynch v. JDN Realty Corp., et al.*, U.S.D.C. Northern District of Georgia, Atlanta Division, No. 1:00-CV-2539 (Case settled for more than \$40 million in cash and stock with 11% of the total settlement allocated to Mr. Bowman's clients); *In re Phycor Shareholder Litigation*, U.S.D.C., Middle District of Tennessee, Nashville Division, No. 3-99-0807 (\$10 million cash settlement); and *In re Vision America Securities Litigation*, U.S.D.C., Middle District of Tennessee, Nashville Division, No. 3-00-0279 (\$2.575 million settlement with individual defendants, \$3.4 million settlement pending with auditor KPMG).

Mr. Bowman is currently working on one of the most significant securities cases to be brought in recent history, *In re Initial Public Offering Securities Litigation*, U.S.D.C. Southern District of New York, 21 MC 92 (SAS), which alleges that 55 investment banking firms, and 309 companies and certain officers and directors manipulated the high tech initial public offering markets.

**SAMUEL H. RUDMAN** is a partner in the New York office of the firm.

Mr. Rudman received his Bachelor of Arts degree in Political Science from Binghamton University in 1989 and earned his *juris doctorate* from Brooklyn Law School in 1992. While at Brooklyn Law School, Mr. Rudman was a Dean's Merit Scholar and a member of the Brooklyn Journal Of International Law and the Moot Court Honor Society.

Upon graduation from law school, Mr. Rudman joined the Enforcement Division of the United States Securities & Exchange Commission in its New York Regional Office as a staff attorney. In his position as a staff attorney, Mr. Rudman was responsible for numerous investigations and prosecutions of violations of the federal securities laws. Thereafter, Mr. Rudman joined one of the largest corporate law firms in the country, where he represented public companies in the defense of securities class actions and also handled several white collar criminal defense matters.

Shortly after the passage of the Private Securities Litigation Reform Act of 1995, Mr. Rudman joined the firm of Milberg Weiss Bershad Hynes & Lerach LLP ("Milberg Weiss"). At Milberg Weiss, Mr. Rudman was one of the youngest lawyers ever to be made a partner at the firm and was responsible for the



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investigation and initiation of securities and shareholder class actions. In addition, Mr. Rudman developed an expertise in the area of lead plaintiff jurisprudence and has been responsible for numerous reported decisions in that area of securities law.

Mr. Rudman continues to focus his practice in the area of investigating and initiating securities and shareholder class actions and also devotes a considerable amount of time to representing clients in ongoing securities litigation.

**J. ALLEN CARNEY** is a partner in the Little Rock office of the firm.

Mr. Carney is a graduate of the University of Arkansas, earning a degree in Finance. Subsequently, Mr. Carney graduated from the University of Arkansas at Little Rock School of Law.

Prior to joining the firm, Mr. Carney was a partner with Jack, Lyon & Jones, P.A. in the Little Rock, Arkansas office, where he practiced extensively in the areas of complex commercial litigation, labor and employment litigation, and business transactions. While at Jack, Lyon & Jones, Mr. Carney had the privilege of representing some of the State's and the nation's largest employers, including Southwestern Bell Telephone Company, American Standard, Inc., and Babcock & Wilcox.

Mr. Carney has been involved in a number of high-profile cases, including the successful defense of Capital Cities/ABC News in an action brought by Tyson Foods regarding the secret videotaping of chicken processing plants; representing a joint venture comprised of two Fortune 100 companies, during an energy shortage, involving the lease and alleged damage of several large electrical generators; and the successful defense before the Eighth Circuit Court of Appeals of an issue of first impression under the Family and Medical Leave Act. Mr. Carney is a frequent lecturer to human resources professionals and attorneys regarding litigation and employment matters. For approximately six years, he was a frequent contributor to Arkansas Employment Law Newsletter, a monthly publication with more than seven hundred (700) subscribers. Additionally, Mr. Carney co-authored and edited a twenty-seven chapter Employment Law Desk Book for Arkansas Employers (1997). The book highlights federal and state labor and employment laws, rules and regulations.

Mr. Carney is licensed to practice law in Arkansas state courts, the United States District Courts for the Eastern and Western Districts of Arkansas, and the United States Court of Appeals for the Third and Eighth Circuits. Mr. Carney has argued before the Arkansas Supreme Court. Additionally, Mr. Carney has appeared in numerous federal and state courts across the nation via admission *pro hac vice*.



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**DARRIN L. WILLIAMS** is a partner in the Little Rock office of the firm.

Mr. Williams received his Bachelor of Arts degree in History from Hendrix College in Conway, Arkansas. Mr. Williams earned his *juris doctorate* degree from Vanderbilt University School of Law. While at Vanderbilt, Mr. Williams served as the Chief Justice of the Moot Court Board, received the American Jurisprudence Book Award for earning the highest grade in Torts, and was an Earl Warren Scholar, NAACP Legal Defense Fund. Mr. Williams also earned his Master of Law in Securities and Financial Regulation from Georgetown University Law Center. While working on his Master of Law, he worked in the General Counsel's Office of the United States Securities and Exchange Commission.

Mr. Williams, a principal institutional investor contact for the firm, devotes a substantial portion of his practice to representing public institutional investors seeking financial recovery for losses suffered as a result of securities fraud.

Immediately prior to joining the firm, Mr. Williams was the Chief Deputy Attorney General for the State of Arkansas, where he directed all of the legal work of the office, including the representation of the state's constitutional offices, agencies, boards and commissions. During his time in the Office of the Arkansas Attorney General, Mr. Williams' legal skill and leadership resulted in the office recovering millions of dollars on behalf of Arkansas consumers. Because of Mr. Williams' work to protect senior consumers from fraud, he was invited to testify before the United States House of Representatives Committee on Ways and Means. Mr. Williams has also served as an aide to a United States Senator and the United States Senate Sergeant at Arms, as well as general counsel to a business consulting corporation.

Mr. Williams' professional associations include membership in the American Bar Association, the National Bar Association, the Arkansas Trial Lawyers Association and the Arkansas Bar Association, where he is a member of the Jurisprudence and Law Reform and the Legal Services Committees. Mr. Williams was named Outstanding Government Lawyer by the W. Harold Flowers Law Society, Distinguished Alumnus at Hendrix College, and to Arkansas Business "Forty under Forty." Mr. Williams is licensed to practice in the State of Arkansas, the Eastern and Western Districts of Arkansas, as well as the United States Supreme Court.

Mr. Williams is also active in community, civic and political matters. Presently, Mr. Williams serves as Vice-Chairman of the First Tee of Arkansas - Jack Stephens Youth Golf Academy, on the Board of Governors for Hendrix College, as a board member for the Little Rock Central High Visitors Center and Museum Board, and as a member of the American Council of Young Political Leaders.

**STEVEN A. OWINGS** is a partner in the Little Rock office of the firm.

Mr. Owings is a graduate of the Boston Conservatory of Music and the University of Arkansas at Little Rock School of Law.



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Prior to joining the firm, Mr. Owings practiced extensively in the areas of tort and insurance law, consumer fraud, and commercial litigation. Mr. Owings' litigation practice has generated multi-million-dollar jury verdicts and settlements. Mr. Owings' practice with the firm is concentrated in the areas of mass torts, consumer fraud litigation and securities litigation.

Mr. Owings' professional affiliations include the Arkansas and American Bar Associations, Arkansas Trial Lawyers Association and the Association of Trial Lawyers of America. Mr. Owings is licensed to practice law in the Arkansas state courts, the United States District Courts for the Eastern and Western Districts of Arkansas, and the United States Court of Appeals, Eighth Circuit.

**JACK REISE** is a partner in the Boca Raton office of the firm.

Mr. Reise earned his Bachelor of Arts degree in History from Binghamton University. He graduated *cum laude* from University of Miami School of Law where he was an Associate Editor on the University of Miami Inter-American Law Review and was also the recipient of the American Jurisprudence Book Award in Contracts.

Since he began practicing law, Mr. Reise has been devoted to protecting the rights of those who have been harmed by corporate misconduct. Mr. Reise started his legal career representing individuals suffering the debilitating affects of asbestos exposure back in the 1950s and 1960s.

Since then, Mr. Reise has concentrated his practice on class action litigation, including securities fraud, shareholder derivative actions, consumer protection, unfair and deceptive insurance practices and antitrust. Prior to joining the firm, Mr. Reise was an associate at Milberg Weiss Bershad Hynes & Lerach, LLP, the nation's largest class action law firm.

A substantial portion of Mr. Reise's practice is devoted to representing shareholders in actions brought under the federal securities laws. He is currently serving as Lead Counsel in numerous cases including: *Abrams v. van Kampen Funds Inc., et al.*, U.S.D.C. Northern District of Illinois, Eastern Division, No. 01 C 7538 (case involving a mutual fund that is charged with improperly valuating its net asset value) and a securities lawsuit involving a company formed by Enron. Additionally, Mr. Reise is also active in the representation of investors whose shares are acquired through leveraged buyouts, mergers, tender offers, and other "change of control" transactions.

Mr. Reise is admitted to practice law in the state courts of Florida, as well as the United States District Courts for the Southern and Middle Districts of Florida and the United States Court of Appeals, Eleventh Circuit. He is currently or has been a member of the American Bar Association, the Academy of Florida Trial Lawyers and the Palm Beach County Bar Association.



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**JONATHAN M. STEIN** is a partner in the Boca Raton office of the firm.

Mr. Stein earned his Bachelor of Science degree in Business Administration from the University of Florida, where he concentrated his studies in Finance. While at Florida, he was selected to join the honor society of Omicron Delta Epsilon, recognizing outstanding achievement in Economics. Mr. Stein earned his *juris doctorate* from Nova Southeastern University, where he was the recipient of the American Jurisprudence Book Award in Federal Civil Procedure and served as Chief Justice of the Student Honor Court.

Mr. Stein began his practice of law in Fort Lauderdale as a prosecutor in the State Attorney's Office for the Seventeenth Judicial Circuit of Florida, where he handled numerous jury trials. Before concentrating his practice in class action litigation, he also practiced as a litigator with one of Florida's largest law firms, where he concentrated on fighting insurance fraud. Mr. Stein is involved in all aspects of class action litigation, including securities fraud, shareholder class and derivative actions, consumer fraud, products liability and antitrust.

A substantial portion of Mr. Stein's practice is dedicated to the representation of public shareholders of companies whose shares are acquired through management buyouts, leveraged buyouts, mergers, acquisitions, tender offers, and other change-of-control transactions. Mr. Stein has represented clients in seeking to protect shareholders by insuring that they receive maximum compensation for their shares and also by insuring that they receive all necessary information and disclosure concerning the transactions. He has been successful in restructuring many transactions and recovering millions of dollars in additional value for shareholders. For example, Mr. Stein was lead counsel in *Feldman v. Bicknell* (NPC Int'l), District Court of Crawford County, Kansas, No. 00C262P, a case involving the largest Pizza Hut franchise in a going-private transaction. As a result of Mr. Stein's work, the public shareholders received over a million dollars in additional benefits for their shares. Among many other cases, Mr. Stein also worked extensively on *Samuel Brand v. Colleen Conway Welch*, (Quorum Health Group), Circuit Court for Davidson County, Tennessee, No. 00C-3066 (litigation settled, providing for supplemental disclosures and a "bringdown" fairness opinion in a merger transaction); and *In re Il Fornaio America Corporation, et al. Shareholders Litigation*, Delaware Chancery Court, New Castle County, C.A. No. 18506 (successful negotiation of material changes to the voting structure in a going-private transaction to prevent members of management, who were part of the buyout group, from controlling the vote).

Mr. Stein is licensed to practice law in the state courts of Florida, as well as in the United States District Courts for the Southern and Middle Districts of Florida and the District of Colorado. In addition to these courts and jurisdictions, Mr. Stein regularly works on cases with local counsel throughout the country. Mr. Stein has been or is a member of the Association of Trial Lawyers of America, the American Bar Association, the Palm Beach County Bar Association and the South Palm Beach County Bar Association.



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**ROBERT M. ROTHMAN** is a partner in the New York office of the firm.

Mr. Rothman earned his Bachelor of Arts degree in Economics from Binghamton University. He then earned his law degree, with Distinction, from Hofstra University School of Law. During law school, Mr. Rothman was a member of the Law Review and was awarded the Dean's Academic Scholarship for completing his first year in the top one percent of his class.

After law school, Mr. Rothman practiced commercial litigation with an international law firm. Having litigated cases involving many of the nation's largest companies, Mr. Rothman has extensive experience in the areas of consumer protection, antitrust, and investment fraud. Mr. Rothman also regularly tries and arbitrates cases. For example, he obtained a multi-million dollar verdict after the trial of a shareholders' derivative case, as well as multi-million dollar judgments on behalf of defrauded investors.

Mr. Rothman is admitted to practice before the courts of the State of New York, as well as the United States District Courts for the Southern and Eastern Districts of New York. Mr. Rothman is a member of the American Bar Association's Section of Antitrust Law.

### The Firm's Associates

**SCOTT L. ADKINS** is an associate in the Boca Raton office of the firm.

Mr. Adkins recently joined Cauley Geller from the defense bar, where he enjoyed remarkable success in defending securities fraud cases. Now, however, Mr. Adkins protects the integrity of America's capital markets and the rights of the investing public by vigorously pursuing those who commit fraud.

After graduating *Order of the Coif* from the George Washington University Law School and before joining Cauley Geller, Mr. Adkins practiced at Skadden Arps Slate Meagher & Flom and at Wilson Sonsini Goodrich & Rosati, where Mr. Adkins limited his practice to securities litigation. Mr. Adkins successfully defended several landmark securities-fraud class actions, e.g., *In re Silicon Graphics Sec. Litig.* (motion to dismiss granted and affirmed on appeal in landmark decision regarding standards for pleading securities fraud under the Private Securities Litigation Reform Act "PSLRA") and *In re McKesson HBOC Sec. Litig.* (motion to dismiss multi-billion dollar securities-fraud claim granted). Mr. Adkins also represented Tyson Foods in the post-trial proceedings for *Tyson Foods v. IBP* (breach-of-merger-agreement litigation).

In defending securities fraud claims, Mr. Adkins has represented directors and officers, technology companies, health care companies, medical device companies, frozen food companies, airlines, energy companies, gaming companies, and hedge funds. Claims against these companies included claims of accounting fraud, disclosure violations, channel stuffing, insider trading, and claims under various states'





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securities laws. Representative clients included DaimlerChrysler, Tyson Foods, American West Airlines, The Williams Companies, Xerox Corporation, McKesson Corporation and Hunt Capital.

Recently, Mr. Adkins co-authored a white paper concerning legislative proposals to amend the federal securities laws in the wake of Enron. Mr. Adkins is now writing a treatise on federal securities litigation and serves as vice-chairman for the Federalist Society's Securities Publications Subcommittee.

Mr. Adkins clerked on the United States District Court for the Southern District of Florida, where he served as law clerk to The Honorable Daniel T.K. Hurley. Mr. Adkins also clerked on the United States Court of Appeals for the Sixth Circuit, where he served as law clerk to The Honorable Alice M. Batchelder. Cases decided during Mr. Adkins' term on the Sixth Circuit included *Helwig v. Vencor, Inc.*, the Sixth Circuit's en banc decision regarding pleading standards under the PSLRA—the same issue Mr. Adkins litigated and prevailed on for Silicon Graphics.

Mr. Adkins is licensed to practice in Delaware and California and before several federal district and appellate courts.

**MARIO ALBA, JR.** is an associate in the New York office of the firm.

Mr. Alba earned his Bachelor of Science degree in Finance from St. John's University, with the distinction of being on the Dean's List during three of his four years of attendance. Upon completion of his undergraduate degree, Mr. Alba earned his *juris doctorate* from the Hofstra University School of Law in 2002. During his law school career, he was selected to participate in the Hofstra Moot Court Seminar and was an active member of the Student Bar Association. Mr. Alba also studied abroad in Nice, France where he studied under Judge Pierre Leval of the United States Court of Appeals for the Second Circuit in New York.

During his summers between law school, Mr. Alba clerked at Milberg Weiss Bershad Hynes and Lerach, LLP, under the guidance of Samuel Rudman, now a partner of Cauley Geller. In addition to his experience with the Securities Class Actions division, Mr. Alba gained experience in the firm's Antitrust division.

Prior to joining Cauley Geller, Mr. Alba was involved in civil litigation in the area of no-fault insurance as well as contractual work.



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**NICOLE REID AVALLONE** is an associate in the Boca Raton office of the firm.

Ms. Avallone is licensed to practice in the United States District Courts for the Southern, Middle, and Northern Districts of Florida and the state courts of Florida.

Ms. Avallone earned her Bachelor of Arts degree in Finance and Management, *cum laude*, from Florida Atlantic University. She then earned her law degree, *cum laude*, from the University of Miami School of Law. At the University of Miami, she focused on corporate tax and securities courses and was a member of Phi Delta Phi honors fraternity. Before concentrating her practice on the prosecution of class actions, Ms. Avallone interned at one of Florida's largest law firms, where she handled clients' transaction-oriented corporate and securities matters.

Ms. Avallone also had the opportunity to become a certified legal intern with the United States Securities and Exchange Commission's Enforcement Division in Miami, Florida. At the SEC, Ms. Avallone's experience included the investigation of securities violations, legal research, drafting various legal memoranda, and preparation for trial.

A substantial portion of Ms. Avallone's time is devoted to representing investors seeking financial recovery for losses suffered as a result of securities fraud. In addition, Ms. Avallone represents clients in derivative lawsuits filed against corporate boards, seeking to impose corporate governance reforms aimed at protecting shareholders and eliminating corporate waste and abuse.

Ms. Avallone is also active in the representation of investors whose shares are acquired through leveraged buyouts, mergers, tender offers, and other "change of control" transactions. In addition to securities lawsuits, Ms. Avallone has significant experience with consumer fraud, antitrust, and mass tort litigation.

**MARCUS N. BOZEMAN** is an associate in the Little Rock, Arkansas office of the firm.

After earning a Bachelor of Arts degree in Political Science from the University of Arkansas, Mr. Bozeman attended law school at the University of Arkansas at Little Rock (UALR) School of Law. Mr. Bozeman graduated first in his law school class and was also selected as Editor-in-Chief for the University of Arkansas at Little Rock Law Journal. The recipient of American Jurisprudence Awards or "top paper" designations in eight of his law school classes, Mr. Bozeman additionally authored the Note, "Miranda Comes Out from under a Stone," 16 U. Ark. Little Rock L.J. 259 (1994).

Following law school, Mr. Bozeman served for two years as a law clerk for the Honorable Floyd R. Gibson, Circuit Judge from the United States Court of Appeals for the Eighth Circuit. Mr. Bozeman subsequently entered private practice at the Kansas City, Missouri defense firm of Rouse Hendricks German May. Mr. Bozeman then moved to Memphis, Tennessee, where he practiced at Baker, Donelson, Bearman, Caldwell,





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and Berkowitz before joining Cauley Geller. In addition to participating in multiple jury trials, Mr. Bozeman has extensive experience in litigating complex commercial and class action cases.

Mr. Bozeman is licensed to practice in the state courts of Arkansas, Kansas, Missouri, and Tennessee. He is also admitted to appear before the United States District Courts for the Eastern and Western Districts of Arkansas, the District of Kansas, the Western District of Missouri, and the Western District of Tennessee, as well as the United States Courts of Appeals for the Third, Sixth, Eighth, Tenth, and Federal Circuits. Mr. Bozeman currently represents investors seeking financial recovery for losses suffered as a result of securities fraud.

**MATTHEW K. BUCHER** is an associate in the New York office of the firm.

Mr. Bucher earned his Bachelor of Science degree in Business Administration from the University of Arkansas at Fayetteville, where he focused his studies in Financial Management. Upon completion of this undergraduate degree, Mr. Bucher earned his *juris doctorate* from the University of Arkansas at Fayetteville in 2001. During his law school career, he participated in various negotiation, trial, and client counseling competitions. Additionally, Mr. Bucher earned one of the top papers in First Amendment.

Prior to focusing on class action litigation, Mr. Bucher was involved in general practice litigation, including both civil and criminal matters. Upon joining Cauley Geller, Mr. Bucher aided Mr. Bowman, one of the firm's partners, in the appeal of a death row inmate's conviction.

A significant amount of Mr. Bucher's time has been spent on various cases being litigated in the New York area and serves as liaison for clients in the northeast region of the country. He is licensed to practice in the states of Arkansas and New York, and is currently a member of the American and Arkansas Bar Associations.

In addition, Mr. Bucher has experience in numerous legal fields including securities law, corporate law, business litigation, Medicare fraud, and mass tort litigation.

**GINA M. COTHERN** is an associate in the Little Rock office of the firm.

Ms. Cothorn graduated with honors from the University of Arkansas at Little Rock (UALR) School of Law in 1998, where she served as the Assistant Research Editor of the UALR Law Journal and wrote several case law survey sections, including Labor Law, Business and Workers Compensation. Ms. Cothorn also earned top score papers in constitutional law, labor law, alternative dispute resolution and contract law. Prior to joining the firm, Ms. Cothorn clerked for Associate Justice David Newbern of the Arkansas Supreme Court for two years. Ms. Cothorn graduated in 1990 from the UALR with a Bachelor of Business Administration



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degree in Management, serving as President of the college chapter of Alpha Kappa Psi, a professional business fraternity. She was formerly employed as the Manager of Human Resources at the Holiday Inn for four years before attending law school.

Ms. Cothorn is licensed to practice in the State of Arkansas, as well as both the Eastern and Western Districts of Arkansas. She is a member of the American Trial Lawyers Association, the Arkansas Trial Lawyers Association and the Pulaski County Bar Association. Ms. Cothorn focuses on class action and mass tort litigation involving consumer protection, unfair and deceptive trade practices and products liability.

**STUART A. DAVIDSON** is an associate in the Boca Raton office of the firm.

Mr. Davidson is admitted to practice law in the state courts of Florida, as well as the United States District Courts for the Southern, Middle, and Northern Districts of Florida, the United States Court of Appeals for the Tenth and Eleventh Circuits, and the United States Supreme Court. He is currently a member of the American Bar Association, the South Palm Beach County Bar Association, the Broward County Bar Association, the National Association of Criminal Defense Lawyers, and the Broward Association of Criminal Defense Lawyers.

Mr. Davidson earned his Bachelor of Arts degree in Political Science from the State University of New York at Geneseo. He then earned his law degree, *summa cum laude*, from Nova Southeastern University Shepard Broad Law Center, where he graduated in the top 3% of his class. At Nova Law, he was an Associate Editor of the Nova Law Review, and was the recipient of Book Awards (highest grade) in Trial Advocacy, Criminal Pretrial Practice, and International Law.

Before joining the firm to concentrate his practice on the prosecution of class actions, Mr. Davidson was an associate at a private law firm in Boca Raton, Florida, where he gained substantial experience in all aspects of securities litigation, including, among other things, SEC and NASD enforcement proceedings, securities regulatory proceedings by state and self-regulatory organizations, federal criminal securities fraud prosecutions, federal securities appellate litigation, and NASD customer arbitration proceedings, as well as acting as counsel for court-appointed receivers in complex federal securities and franchise litigation proceedings. In addition, Mr. Davidson is an experienced trial lawyer, having been a former lead assistant public defender in the Felony Division of the Broward County, Florida Public Defender's Office. During his tenure at the Public Defender's Office, Mr. Davidson tried over 30 jury trials, conducted hundreds of depositions, handled numerous evidentiary hearings, engaged in extensive motion practice, and defended individuals charged with major crimes ranging from third-degree felonies to life and capital felonies. Many of the cases Mr. Davidson defended involved complex procedural, evidentiary, and constitutional issues.

A substantial portion of Mr. Davidson's time is currently devoted to representing investors seeking financial recovery for losses suffered as a result of securities fraud. In addition, Mr. Davidson represents clients in derivative lawsuits filed against corporate boards, seeking to impose corporate governance reforms aimed



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at protecting shareholders and eliminating corporate waste and abuse.

Mr. Davidson is also active in the representation of investors whose shares are acquired through leveraged buyouts, mergers, tender offers, and other "change of control" transactions.

**MELISSA BEARD GLOVER** is an associate in the Little Rock office of the firm.

Ms. Glover graduated *cum laude* from the Louisiana State University at Shreveport, Louisiana, with a Bachelor of Arts degree in English. Subsequently, Ms. Glover graduated with High Honors from the University of Arkansas at Little Rock (UALR) School of Law, where she served as the Editor-in-Chief for the UALR Law Journal and authored the Note, "The Clear Meaning of Ambiguity - Davis v. United States," 17 U. Ark. Little Rock L.J. 795 (1995).

Prior to joining the firm, Ms. Glover was an associate with the firm Jack, Lyon & Jones, P.A. in the Little Rock, Arkansas office, where she practiced extensively in the areas of public finance, municipal bond law, securities, healthcare, and commercial transactions. While at Jack, Lyon & Jones, Ms. Glover had the privilege of working on the acquisition and merger of two of the largest hospitals in the State of Arkansas, concentrating on the Medicare and Medicaid regulatory and licensing requirements of the facilities. Ms. Glover also worked on the acquisition and subsequent general representation of an investment banking firm, concentrating on municipal securities and related public finance transactions.

Ms. Glover is licensed to practice law in the Arkansas state courts, the United States District Courts for the Eastern and Western Districts of Arkansas, and the United States Court of Appeals for the Eighth Circuit, and has argued successfully before the Arkansas Court of Appeals. Additionally, Ms. Glover is the co-author of "The Attack on Traditional Billing Practices," 20 U. Ark. Little Rock L.J. 293 (1998). Ms. Glover is a member of the American, Arkansas and Pulaski County Bar Associations, National Bond Lawyers Association, and the Arkansas Association of Women Lawyers.

**RUSSELL J. GUNYAN** is an associate in the New York office of the firm.

Mr. Gunyan earned his Bachelor of Science degree in Accounting from Fordham University, where he graduated with Honors and was an officer in Fordham's chapter of Beta Alpha Psi, a national business school honors fraternity. He then entered the profession of Public Accounting with the firm of Ernst & Ernst and completed the CPA exam in 1979.

Concentrating his audit practice in the consumer and commercial financial services area, Mr. Gunyan entered the Banking Industry in 1980. As an officer of the Morgan Bank, he built upon his expertise in financial and SEC reporting and was the Chief Accounting Officer and Assistant Treasurer for the bank's trade finance



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offices in California. Mr. Gunyan then served as a Vice President and Controller of the Bank of America's international banking offices in New York prior to entering law school in 1993.

Graduating with Honors, Mr. Gunyan obtained his *juris doctorate* from the St. John's University School of Law in 1995, where he received Academic Achievement awards during his second and third years. Following his admission to the New York Bar in 1996, Mr. Gunyan performed defense work for corporate clients, including several major product liability matters.

Prior to joining the firm, Mr. Gunyan was an associate with the firm of Milberg Weiss Bershad Hynes & Lerach, LLP, where he worked on a number of high profile class action litigations against the insurance industry before concentrating his practice in the area of securities fraud. While at Milberg Weiss, Mr. Gunyan was active in the investigation and filing of new securities matters and was responsible for uncovering several significant corporate frauds. He also was actively involved in numerous lead plaintiff issues and developed an expertise in lead plaintiff jurisprudence.

**COLETTE D. HONORABLE** is an associate in the Little Rock office of the firm.

Ms. Honorable is a graduate of the University of Memphis (formerly Memphis State University) and the University of Arkansas at Little Rock (UALR) School of Law. While in law school, Ms. Honorable distinguished herself in the area of trial advocacy. She competed in several moot court competitions, served on the school's trial team, and received the top grade in Legal Clinic. Ms. Honorable received the McMillan Scholarship in 1995, naming her "Most Promising Trial Lawyer."

Ms. Honorable began her legal career as a legal services attorney, working primarily on cases involving consumer, contract, and family law issues. Ms. Honorable clerked for the Honorable Wendell L. Griffen on the Arkansas Court of Appeals, which heard cases involving criminal, domestic, workers' compensation, probate, insurance, and contract law. Ms. Honorable has also worked as a public defender, representing criminal defendants in serious felony cases including capital punishment cases, and has also had death penalty training.

Prior to joining the firm, Ms. Honorable worked as an Assistant Attorney General in the Arkansas Attorney General's Office, initially in the Consumer Protection Division and most recently in the Civil Litigation Division, where she represented constitutional officers, state agencies and officials, judges, law enforcement, and colleges and universities in civil matters including employment, civil rights, contract, bankruptcy and administrative law. She has served as a continuing legal education presenter on employment and legislative issues.



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Ms. Honorable is licensed to practice law in the State of Arkansas, the Eastern and Western Districts of the United States District Court in Arkansas, and before the Eighth Circuit of the United States Court of Appeals. Ms. Honorable has appeared before the Arkansas Supreme Court and has practiced before the Eighth Circuit.

Ms. Honorable has also served as a special judge in Pulaski County Circuit Court.

Ms. Honorable is a member of the House of Delegates of the Arkansas Bar Association. She is also a member of the Pulaski County Bar Association, the Arkansas Association of Women Lawyers and is Vice-President of the W. Harold Flowers Law Society. Ms. Honorable is a member of the UALR School of Law Alumni Board, the Arkansas Supreme Court Committee on Criminal Practice, and is a member of the Executive Committee of the William R. Overton Inn of Court.

**JAMES L. KAUFFMAN** is an associate in the Little Rock office of the firm.

Mr. Kauffman earned his Bachelor of Science from the University of Florida, receiving a dual degree in Financial Management and Insurance. Subsequently, Mr. Kauffman graduated with Honors from the University of Florida Levin College of Law. During his law school career, Mr. Kauffman practiced as a certified legal intern within the Virgil C. Hawkins Civil Clinic, assisting indigent clients file *pro se* lawsuits. Additionally, Mr. Kauffman was distinguished as the top student in Trial Practice.

Prior to joining the firm, Mr. Kauffman worked as a financial advisor for Morgan Stanley Dean Witter. While at Morgan Stanley, Mr. Kauffman underwent comprehensive Series 7 training, which included option strategies, margin accounts, and underwriting of initial public offerings. Mr. Kauffman left Morgan Stanley Dean Witter in Fall of 1999 to pursue his law degree.

Mr. Kauffman is licensed to practice in the State of Arkansas and the Eastern and Western Districts of the United States District Court in Arkansas. He is a member of the American and Arkansas Bar Associations. Mr. Kauffman's areas of expertise include securities law, corporate law, mediation, and arbitration. His practice with the firm focuses primarily upon representing investors seeking financial recovery for losses suffered as a result of securities fraud.

**RANDALL K. PULLIAM** is an associate in the Little Rock office of the firm.

Mr. Pulliam graduated from the University of Central Arkansas with a Bachelor of Business Administration degree, where he was nominated for Outstanding Management Student in the university's School of Business. Mr. Pulliam later earned his Master of Business Administration degree from the University of Arkansas, with an emphasis in Finance. Mr. Pulliam earned his *juris doctorate* from the University of Arkansas at Little Rock (UALR) School of Law where he received multiple American Jurisprudence Awards.



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Mr. Pulliam has substantial experience in many areas of the securities industry, holding his Series 7 General Securities Representative license. Mr. Pulliam worked for Stephens, Inc. as an Equity Trader for four years, where he executed in excess of \$2 billion in securities transactions each year and participated in the firm's underwriting and Initial Public Offering allocation decisions. Prior to working at Stephens, Mr. Pulliam worked as an investment banker for Crews and Associates, Inc., where he was responsible for buying municipal bonds for both individual and institutional investors.

Prior to joining the firm, Mr. Pulliam had a successful law practice in a variety of legal areas, including commercial litigation, where he gained extensive courtroom experience, successfully trying several jury trials.

Mr. Pulliam's practice focuses primarily upon representing investors seeking financial recovery for losses suffered as a result of securities fraud, including derivative lawsuits filed against corporate boards, seeking to impose corporate governance reforms aimed at protecting shareholders and eliminating corporate waste and abuse. Mr. Pulliam has been involved with several major securities cases including *In re Initial Public Offering Securities Litigation*. Additionally, Mr. Pulliam is one of the firm's principal individual investor client contacts and serves as a liaison to the firm's institutional clients.

**DAVID A. ROSENFELD** is an associate in the New York office of the firm.

Mr. Rosenfeld earned his Bachelor of Science degree in Accounting from Yeshiva University's Sy Syms School of Business and his law degree from the Benjamin N. Cardozo School of Law.

While in law school, Mr. Rosenfeld interned in the chambers of the Honorable Frederic Block in the United States District Court for the Eastern District of New York and served as a law clerk at the firm of Milberg Weiss Bershad Hynes & Lerach, LLP.

Upon graduation from law school, Mr. Rosenfeld joined Milberg Weiss as an associate and was responsible for initiating some of the largest and most significant securities and shareholder class action lawsuits since the passage of the Private Securities Litigation Reform Act of 1995. While at Milberg Weiss, Mr. Rosenfeld also developed an expertise in the area of lead plaintiff jurisprudence.

Mr. Rosenfeld continues to concentrate his practice on the investigation and initiation of securities and consumer fraud class actions. Mr. Rosenfeld is also one of the primary attorneys responsible for advising the firm's institutional investor clients, which include public and private pension funds (at both the international and domestic level), money management firms and hedge funds, on issues related to their involvement in securities class action lawsuits.





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**DEBORAH R. SALLINGS** is an associate in the Little Rock office of the firm.

Ms. Sallings is a graduate of the University of Arkansas at Little Rock (UALR) School of Law, where she was a member of the UALR Law Journal staff, writing case note and survey section articles. Ms. Sallings has had extensive appellate practice in state and federal courts, including the United States Supreme Court. Before joining the firm, she served as head of the Appellate Division for the Office of the Sixth Judicial District Public Defender in Pulaski County, Arkansas, handling well over 300 cases that were appealed to the Arkansas Supreme Court and Arkansas Court of Appeals. In addition, she served as circuit court trial attorney in numerous serious felony cases, including death penalty cases in which she was chief mitigation counsel. She was also a staff attorney with the Arkansas Capital Resource Center, representing Arkansas death row clients in post-conviction habeas corpus actions in state and federal courts, both at the trial and appellate level, as well as in clemency proceedings, successfully obtaining gubernatorial clemency and commutation of sentence for the only death row inmate to receive such relief in Arkansas since 1970.

Ms. Sallings also was an associate with the Little Rock firm of Jack, Lyon & Jones, P.A., in the Little Rock and Nashville offices, where she practiced primarily in the area of hospital and health care law.

Ms. Sallings serves on the Arkansas Supreme Court Committee on Model Criminal Jury Instructions and has made presentations on appellate practice at CLE seminars. She received a Bachelor of Arts degree in History and Political Science from Hendrix College. She is licensed to practice in the state and federal courts of Arkansas, the United States Court of Appeals for the Eighth Circuit, and the United States Supreme Court.

**T. BRENT WALKER** is an associate in the Little Rock office of the firm.

Mr. Walker earned his Bachelor of Business Administration degree in Accounting from the University of Mississippi. He earned his Master's degree in business from Mississippi State University and completed his *juris doctorate* from the University of Arkansas at Little Rock (UALR). While in law school, Mr. Walker earned the Top Paper in several courses.

Mr. Walker is a CPA with substantial experience in public accounting and business management. Prior to joining the firm, Mr. Walker obtained over seven years of public accounting experience in taxation, audit and management advisory services. In addition, Mr. Walker worked for a division of Prudential Financial primarily acquiring and managing real estate investment properties for institutional clients.

Mr. Walker is licensed to practice law in the state of Arkansas. He is also a member of the American and Arkansas Bar Associations as well as the American Institute of Certified Public Accountants. His practice with the firm focuses primarily upon representing investors seeking financial recovery for losses suffered as a result of securities fraud.



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**DOUGLAS WILENS** is an associate in the Boca Raton office of the firm.

Mr. Wilens is licensed to practice law in the state courts of Florida and New York, as well as in the United States District Courts for the Southern and Eastern Districts of New York and the Southern and Northern Districts of Florida.

Mr. Wilens earned his Bachelor of Science degree in Accounting from the University of Florida. He graduated with Honors from the University of Florida College of Law where he received a "Book Award" for the highest grade in his class for Legal Drafting. Prior to joining the firm, Mr. Wilens was an associate in the New York office of Proskauer Rose LLP, a nationally recognized firm, where he litigated complex actions in both state and federal courts. In particular, Mr. Wilens participated in the successful defense of Major League Soccer, LLC and its members in an antitrust class action brought on behalf of all Major League Soccer players. *Fraser, et al. v. Major League Soccer, LLC, et al., District of Massachusetts*, No. 97-10342-GAO (partial summary judgment granted in favor of defendants; remaining claims rejected by jury).

Mr. Wilens is involved in all aspects of class litigation, including claims of securities fraud, claims of breach of fiduciary duty related to change-of-control transactions, and consumer protection actions. Most notably, Mr. Wilens is presently litigating a class action against Chase Manhattan Mortgage Corporation (CMMC), one of the largest mortgage loan servicers in the United States, which alleges that CMMC improperly assesses late charges for monthly mortgage payments that are timely received. *Porcher v. Chase Manhattan Mortgage Corp.*, Fifteenth Judicial Circuit, Palm Beach County, Florida, No. CL 01-2059-AD. In addition to consumer protection actions, Mr. Wilens is also heavily involved in the firm's securities fraud and shareholder protection practice. Mr. Wilens is an active member of the litigation team pressing breach of fiduciary duty claims in a derivative action on behalf of Oracle Corp. *In re Oracle Corp. Derivative Litigation*, Delaware Chancery Court, New Castle County, C.A. No. 18751.

Mr. Wilens is or has been a member of the American Bar Association, New York City Bar Association, Broward County Bar Association, Sports Lawyers Association and the Florida Bar Section on Entertainment and Sports Law. Lastly, Mr. Wilens is an adjunct professor at Florida Atlantic University and Nova Southeastern University where he teaches undergraduate and graduate level Business Law classes.

**TIFFANY M. WYATT** is an associate in the Little Rock office of the firm.

Ms. Wyatt graduated *cum laude* from the University of Arkansas at Fayetteville School of Law in 2001. She served as a member of the Board of Advocates and the W.B. Putman Inns of Court. In addition, Ms. Wyatt served as President of Phi Delta Phi honors fraternity. During her law school career, Ms. Wyatt participated in various trial competitions and moot court, where she was selected as a semi-finalist in the spring rounds. Ms. Wyatt has a Bachelors of Arts in English from the University of Arkansas at Fayetteville.





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Prior to joining the firm, Ms. Wyatt worked for the Japanese municipal government in Urasoe City, Okinawa, Japan. While abroad, Ms. Wyatt's primary focus was on international relations. In addition, Ms. Wyatt worked as an intern for the U.S. Bankruptcy Court, Western Division of Arkansas, where she assisted in researching bankruptcy issues and administering bankruptcy proceedings.

Ms. Wyatt is licensed to practice in the Arkansas state courts and the United States District Courts for the Eastern and Western Districts of Arkansas, and the United States Courts of Appeals for the Third Circuit. She is currently a member of the American, Arkansas and Pulaski County Bar Associations. Ms. Wyatt has experience in a multitude of legal fields including securities law, corporate law, business litigation, real estate transactions, and insurance regulation.

### Litigation Consultants

**R. STEVEN ARONICA** is a forensic accountant in the New York office of the firm.

Mr. Aronica is a Certified Public Accountant licensed in the States of New York and Georgia and is a member of the American Institute of Certified Public Accountants, the Institute of Internal Auditors and the Association of Certified Fraud Examiners. He has been employed in the practice of accounting for 24 years, working in the areas of: (1) public accounting where he was responsible for providing clients with a wide range of accounting and auditing services; (2) private accounting with Drexel Burnham Lambert, Inc. where he held positions with accounting and financial reporting responsibilities; (3) working in various positions with the United States Securities and Exchange Commission (SEC) in the New York Regional Office; and (4) serving as the lead forensic accountant in the New York office Milberg Weiss Bershad Hynes and Lerach, LLP, a national plaintiff's contingency fee-based law firm. Mr. Aronica has extensive experience in securities regulation and litigation.

At the SEC, Mr. Aronica reviewed and analyzed financial statements and related financial disclosures contained in public filings for compliance with generally accepted accounting principles, generally accepted auditing standards and the accounting and auditing rules, regulations and policies of the SEC. Upon the completion of such review, he issued letters of comment to public issuers and their professional advisors citing material accounting or auditing deficiencies observed in the filings he reviewed. Mr. Aronica was also an enforcement accountant and an Enforcement Division Branch Chief, managing a group of investigators and accountants who initiated, developed and executed numerous investigations involving financial fraud, accounting improprieties and audit failures. During his seven-year tenure at the SEC, Mr. Aronica was responsible for directing and investigating a complex financial fraud case highlighted in the SEC's 1995 Annual Report to Congress.

At Milberg Weiss, Mr. Aronica was instrumental in the prosecution of numerous financial and accounting fraud claims against companies which include: WorldCom, Tyco, Lucent Technologies, Oxford Health Plans, Aetna, Computer Associates, Vivendi, AOL Time Warner, Ikon, Thomas & Betts, Kmart, Flextronics, and



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MarchFirst. In addition, Mr. Aronica helped prosecute numerous claims against each of the major U.S. public accounting firms. To date, total shareholder recoveries in these actions have exceeded one billion dollars.

Mr. Aronica joined Cauley Geller in April of 2003.

**EUGENE J. BRANDAO** is a forensic accountant in the Little Rock office of the firm.

Mr. Brandao has performed accounting, auditing and forensic analysis since 1988. His experience includes a Big Five accounting firm background providing auditing and tax services. Mr. Brandao served as controller for a Houston law firm, and has performed forensic accounting analysis for law firms nationwide.

Mr. Brandao has been a Certified Public Accountant since May 1989, licensed in the state of Texas. He is currently a member of the American Institute of Certified Public Accountants. His responsibilities have included audit engagements for brokers and dealers in securities, banks, bank holding companies, savings and loan organizations, energy companies and not-for-profit organizations.

Prior to joining Cauley Geller, Mr. Brandao provided litigation consulting services with Moore, Tyler & Company from March 1992 through March 2002. Among Mr. Brandao's assignments were engagements involving breach of contract and dispute settlement, auditing malpractice, and assessment of officer and director fraud and mismanagement. He has provided consultation and analysis on securities fraud as well as lost profits and business valuation engagements in multiple industries, and has also performed services for various businesses to calculate damages sustained as a result of embezzlement and other types of fraud and mismanagement. In addition, Mr. Brandao served as controller for Moore, Tyler & Company, handling accounting, payroll, accounts payable, accounts receivable, billing, budgeting and tax reporting.

Mr. Brandao received his Bachelor of Arts in Pre-Law from Louisiana Tech University. After eight years as a field service representative in the petroleum and natural gas industry, Mr. Brandao earned a Masters of Science in Accountancy from the University of Houston.

### Leadership Positions

*In re Abercrombie & Fitch Company Securities Litigation*, United States District Court for the Southern District of New York, Civil No. M21-83 (TPG) (Executive Committee)

*William J. Stoddard v. Advanta Nat'l Bank USA*, Delaware Superior Court, New Castle County, No. 97C-08-206 (VAB) (Co-Lead Counsel; Case settled for \$11 million)



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*Article Four Trust v. Amerco, et al.*, United States District Court for the District of Nevada, No. CV-N-03-0050-DWH VPC (Co-Lead Counsel)

*In re American Educational Products, Inc. Shareholder Litigation*, District Court for Boulder County, Colorado, No. 00-CV-1122, Div. 5 (Co-Lead Counsel)

*In re Arcadia Financial Ltd. Shareholder Litigation*, District Court for Hennepin County, Minnesota, No. 99-15992 (Co-Lead Counsel)

*Richard Bell, et al. v. Ascendant Solutions, Inc., et al.*, United States District Court for the Northern District of Texas, Dallas Division, No. 3-01-CV-0166-P (Co-Lead Counsel)

*In re Ashanti Goldfields Securities Litigation*, United States District Court for the Eastern District of New York, No. CV-00-0717 (DGT) (RML) (Co-Lead Counsel)

*J.D. Perkins, et al. v. Christopher T. Sortwell, et al.* (Aurora Foods), Superior Court of California, San Francisco County, No. 311498 (Lead Derivative Counsel)

*Brian Asher v. Baxter International, Inc., et al.*, United States District Court for the Northern District of Illinois, Eastern Division, Case No. 02 C 5608 (Co-Lead Counsel)

*In re Baycol Products Litigation*, MDL No. 1431, District of Minnesota (Steering Committee)

*In re BellSouth Corporation ERISA Litigation*, United States District Court for the Northern District of Georgia, Atlanta Division, No. 02-CV-2440 (Co-Lead Counsel)

*Herbert Huppert v. Robert Martini* (Bergen Brunswick), United States District Court for the Central District of California, No. SA-CV-00-364-AHS (Lead Derivative Counsel)

*In re Beverly Enterprises, Inc. Derivative Litigation*, United States District Court for the Eastern District of Arkansas, Western Division, No. LR-C-99-826 (Co-Lead Counsel)

*In re Blockbuster, Inc. Securities Litigation*, United States District Court for the Northern District of Texas, Dallas Division, No. 3:03-CV-03098-M LEAD (Co-Lead Counsel)

*Lynne H. Sinay, et al. v. Boron LePore & Assocs., Inc., et al.*, United States District Court for the District of New Jersey, No. 99-2231 (DRD) (Co-Lead Counsel) (\$4.7 million settlement)



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*In re Broadcast.com, Inc. Privacy Litigation*, United States District Court for the Eastern District of Texas, Marshall Division, No. 2-00CV18-TJW (Co-Lead Counsel)

*In re Bromine Antitrust Litigation*, United States District Court for the Southern District of Indiana, Indianapolis Division, MDL Docket No. 1310 (Executive Committee)

*In re Cameron Ashley Securities Transaction*, County Court at Law #1, Dallas County, Texas, No. 00-0971-A (Co-Lead Counsel)

*In re Cherry Corp. Shareholders Litigation*, Delaware Chancery Court, New Castle County, C.A. No. 18007 NC (Co-Lead Counsel)

*In re Chromcraft Shareholders Litigation*, Delaware Chancery Court, New Castle County, C.A. No. 18571 (Co-Lead Counsel)

*H. Carl McCall, etc. v. Richard L. Scott, et al.*, United States District Court for the Middle District of Tennessee, Nashville Division, No. 3:97-0838 (Derivative Litigation Executive Committee, \$14 million settlement with extensive corporate governance measures adopted)

*Ralph Shive v. Metropolitan Life Ins. Co. and Conning Corp.*, Supreme Court of New York, New York County, Index No. 00-600221 (Co-Lead Counsel)

*Dasburg, S.A. et al. v. Corrections Corporation of America, et al.*, Court of Chancery for Tennessee, 20th Judicial District, Davidson County, No. 98-2391-III (Lead Counsel; \$11.5 million settlement in cash and stock)

*In Re Covad Securities Litigation*, United States District Court for the Northern District of California, No. C-00-3891-PJH (Co-Lead Counsel; \$16.5 million in cash and stock)

*Nat Orme v. Michael R. Cunningham, et al.*, Superior Court of New Jersey, Chancery Division, Hudson County, No. C-69-00 (Co-Lead Counsel)

*In re Del Webb Corporation Shareholders Litigation*, Delaware Chancery Court, New Castle County, C.A. No. 18357 NC (Co-Lead Counsel)

*In re DQE, Inc. Securities Litigation*, United States District Court, Western District of Pennsylvania, No. 01-1851 (Co-Lead Counsel)



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*In re Dynacq International, Inc. Securities Litigation*, United States District Court for the Southern District of Texas, Houston Division, No. H-02-0377 (Co-Lead Counsel)

*In re Eaton Vance Corporation Securities Litigation*, United States District Court for the District of Massachusetts, Civil Action No. 01-10911-EFH (Co-Lead Counsel)

*Robert Frankel, et al. v. Entrust Technologies Inc., et al.*, United States District Court for the Eastern District of Texas, Marshall Division, No. 2:00-CV-119-TJW (Executive Committee)

*Gary Silverstein v. Equitrac Corporation*, Circuit Court for Miami-Dade County, Florida, No. 99-14316 CA 01 (Lead Counsel)

*Harry Amsterdam et al. v. FleetBoston Financial Corporation et al.*, United States District Court for the District of New Jersey, No. 02-CIV-4561 (WGB) (Co-Lead Counsel)

*Leonard Brody v. Great Atlantic & Pacific Tea Co. Inc., et al.*, United States District Court for the District of New Jersey, No. 02 CV 2674 (FSH) (Co-Lead Counsel)

*Andris Indriksons, et al. v. Hamilton Bancorp Inc., et al.*, United States District Court for the Southern District of Florida, Miami Division, No. 01-CV-0056-GOLD (Co-Lead Counsel)

*Beverly Verga, et al. v. Hammerhead's Sea Grille of Juno Beach, Inc.*, Circuit Court for Palm Beach County, Florida, No. CL 98-6663 AN (Lead Counsel)

*In re HealthSouth Corp. Securities Litigation*, United States District Court for the Northern District of Alabama, Southern Division, No. CV-98-J-2634-S (Executive Committee)

*In re Il Fornaio America Corporation, et al.*, Shareholders Litigation, Delaware Chancery Court, New Castle County, C.A. No. 18506 (Co-Lead Counsel)

*In re Independent Energy Holdings PLC Securities Litigation*, United States District Court for the Southern District of New York, No. 00 Civ. 6689 (Executive Committee; \$48 million settlement)

*Martin Fogel v. Information Management Associates, Inc.*, United States District Court for the District of Connecticut, No. 3:00-CV-135 (AWT) (Co-Lead Counsel; \$4.1 million settlement)

*In re Initial Public Offering Securities Litigation*, United States District Court, Southern District of New York, 21 MC 92 (SAS) (Steering Committee Member)



## CAULEY GELLER

*Murrel Neal v. Insurance Management Solutions Group, Inc.*, United States District Court for the Middle District of Florida, Tampa Division, No. 8:00-CV-2013-T-26F (Co-Lead Counsel)

*David L. Winter v. Roy F. Mitte, et al.* (Intercontinental Life), District Court for Travis County, Texas, No. GN 003039 (Co-Lead Counsel)

*Walter E. Smith v. Interstate Bakeries Corp. et al.*, United States District Court for the Western District of Missouri, No. 4:03-cv-00142-FJG (Co-Lead Counsel)

*In re IXL Enterprises, Inc. Securities Litigation*, United States District Court for the Northern District of Georgia, Atlanta Division, No. 1:00-CV-2347-CC (Co-Lead Counsel)

*Rosa A. Garza, et al. v. J.D. Edwards & Company, et al.*, United States District Court for the District of Colorado, No. 99-N-1744 (Co-Lead Counsel; \$15 million settlement)

*State of Wisconsin Investment Board, et al. v. Harold Ruttenberg, et al.* (Just For Feet), United States District Court for the Northern District of Alabama, Southern Division, No. CV-99-BU-3097-S (Court Appointed Special Counsel; \$34 million settlement)

*In re JWGenesis Financial Corporation Shareholder Litigation*, Circuit Court for Palm Beach County, Florida, No. CL 00-8661 AG (Co-Lead Counsel)

*In re Keyspan Securities Litigation*, United States District Court for the Eastern District of New York, No. CV-01-5852 (ARR) (MDG) (Co-Lead Counsel)

*Todd Holley, et al. v. Kitty Hawk Inc., et al.*, United States District Court for the Northern District of Texas, Dallas Div., No. 3-00-CV-0828-P (Co-Lead Counsel)

*In re Lernout & Hauspie Securities Litigation*, United States District Court for the District of Massachusetts, No. 00-CV-11589-PBS (Co-Lead Counsel)

*James E. Funke, et al. v. Life Financial Corp.*, United States District Court for the Southern District of New York, No. 99-CIV-118770 (DAB) (Co-Lead Counsel)

*In re Loral Space & Communication Ltd. Securities Litigation*, United State District Court for the Southern District of New York, Master File No. 01-CV-1388 (JGK) (Co-Lead Counsel)



## CAULEY GELLER

*In re MCG Capital Corporation Securities Litigation*, United States District Court for the Eastern District of Virginia, Alexandria Division, No. 1:03cv0114-A (Co-Lead Counsel)

*Isabel J. Griffin, et al. v. MedPartners, Inc., et al.*, Circuit Court of Jefferson County, Alabama, No. CV-98-00297 (Lead Counsel for purchasers of TAPS Securities; \$25 million settlement for TAPS purchasers, \$65 million total settlement)

*In re Mikasa Inc. Shareholders Litigation*, Delaware Chancery Court, New Castle County, C.A. No. 18300 NC (Co-Lead Counsel)

*Robert O. Neibert v. Monarch Dental Corp.*, United States District Court for the Northern District of Texas, Dallas Division, No. 3:99-CV-762-X (Co-Lead Counsel; \$3.5 million settlement)

*In re Monterey Pasta Company Securities Litigation*, United States District Court for the Northern District of California, No. 3:03 CV 00632 MJJ (Co-Lead Counsel)

*Harold Hicks v. Morgan Stanley & Co., et al.*, United States District Court for the Southern District of New York, Civil Action No. 01 CV 10071 (Co-Lead Counsel)

*E. Paul Larett, et al. v. Michael L. Robertson, et al.* (MP3.com), Superior Court of California, County of San Diego, No. GIC-754696 (Co-Lead Derivative Counsel)

*Michael Rocco v. Nam Tai Electronics, Inc. et al.*, United States District Court for the Southern District of New York, No. 03-CV-1148 (Lead Counsel)

*In re National Golf Properties, Inc. Securities Litigation*, United States District Court for the Central District of California, Western Division, No. 02-1383-GHK(RZx)

*In re NewPower Holdings Securities Litigation*, United States District Court for the Southern District of New York, Civil Action No. 01civ1550 (CLB) (Co-Lead Counsel) (\$26 million proposed partial settlement)

*In re Oneok Derivative Litigation*, District Court of Tulsa County, Oklahoma, No. CJ-2000-00593 (Co-Lead Derivative Counsel)

*In re Orbital Sciences Corporation Securities Litigation*, United States District Court for the Eastern District of Virginia, Alexandria Division, No. 99-197-A (Co-Lead Counsel for Section 11 Claims; \$23.5 million settlement)





## CAULEY GELLER

*In re Parametric Technology Corp. Securities Litigation*, United States District Court for the District of Massachusetts, No. 03 CV 10290 (Co-Lead Counsel)

*In re Pcom, Inc. Securities Litigation*, Superior Court of California, County of Santa Clara, No. CV-776853 (Co-Lead Counsel; \$16 million settlement)

*In re Phycor Shareholder Litigation*, United States District Court for the Middle District Tennessee, No. 3:990807 (Co-Lead Counsel; \$11 million settlement)

*In re Pinnacle Systems Securities Litigation*, United States District Court for the Northern District of California, No. C-00-2596-MM (Co-Lead Counsel)

*Bill Koplovitz v. Plains Resources, Inc., et al.*, United States District Court for the Southern District of Texas, Houston Division, No. H-99-4212 (Lead Counsel; \$5.4 million settlement)

*John Neiger, et al. v. Doctor Crants, et al. Prison Realty Securities Litigation*, United States District Court for the Middle District of Tennessee, Nashville Division, No. 3-99-1205 (Lead Counsel; \$11.5 million settlement, cash and stock)

*In re Bernstein v. Prison Realty Trust, Inc., et al.*, Chancery Court for the State of Tennessee, 20th Judicial District, Davidson County, No. 99-3794-III (Lead Counsel)

*Samuel Brand v. Colleen Conway Welch, et al.* (Quorum Health Group), Circuit Court for Davidson County, Tennessee, No. 00C-3066 (Co-Lead Counsel)

*Richard Slatten v. Rayovac Corporation, et al.*, United States District Court for the Western District of Wisconsin, Case No. 02 C 0325 C (Co-Lead Counsel)

*Yvon DuPaul v. H. Edwin Trusheim, et al.* (Rehabcare Group), Circuit Court of the county of St. Louis, Missouri, No. 02 CC 3039 (Lead Derivative Counsel)

*Edward J. Vranizan v. William E. Morgenstern, et al.* (Rent-Way Derivative Litigation), United States District Court for the Western District of Pennsylvania, C.A. No. 01-46, Erie (Lead Derivative Counsel)

*Lawrence Peccatiello v. Carl DeSantis, et al.* (Rexall Sundown), Circuit Court for Palm Beach County, Florida, No. CL 00-4284 AO (Lead Counsel)





## CAULEY GELLER

*In re Royal Ahold N.V. Securities Litigation & ERISA Litigation*, United States District Court for the District of Maryland, MDL 1539 (ERISA Co-Lead Counsel)

*Paul L. Ruble, et al. v. Rural Metro Corp., et al.*, United States District Court for the District of Arizona, No. CIV-99-822-PHX-RGS (Co-Lead Counsel; \$15 million settlement)

*Lone Star Ladies Investment Club v. Schlotzskys, Inc.*, United States District Court for the Western District of Texas, No. A-98-CA-550-JN (Co-Lead Counsel; \$2 million settlement)

*In re Sears, Roebuck & Co. ERISA Litigation*, United States District Court for the Northern District of Illinois, Eastern Division, No. 02 C 8324 (Co-Lead Counsel)

*In re Service Corporation International*, United States District Court for the Southern District of Texas, Houston Division, No. H-99-280 (Executive Committee)

*Trinity Holdings Corp. v. Sirrom Capital Corp., et al.*, United States District Court for the Middle District of Tennessee, No. 3-98-0643 (Executive Committee; \$15 million settlement)

*William Straub v. The Solomon-Page Group Ltd.*, Delaware Chancery Court, New Castle County, C.A. No. 17977 NC (Co-Lead Counsel)

*Lloyd Bahr, et al. v. Springs Industries, Inc., et al.*, State of South Carolina in the Court of Common Pleas, County of York, No. 2001-CP-46-374 (Co-Lead Counsel)

*In re Stone & Webster Inc. Securities Litigation*, United States District Court for the District of Massachusetts, No. 00-CV-10874-RCL (Executive Committee)

*In re Sunburst Hospitality Corporation Shareholders Litigation*, Delaware Chancery Court, New Castle County, C.A. No. 18343 NC (Co-Lead Counsel)

*Frank Rogers v. Sunrise Medical, Inc., et al.*, Superior Court of California, County of San Diego, Case No. GIC 756421 (Co-Lead Counsel)

*In re Sunstar Healthcare Securities Litigation*, United States District Court for the Middle District of Florida, Orlando Division, No. 6:00-CV-172-ORL-28C (Executive Committee)

*In re Supervalu, Inc. Securities Litigation*, United States District Court for the District of Minnesota, No. 02-CV-1738 (JEL/JGL) (Co-Lead Counsel)



## CAULEY GELLER

*George Lehocky v. Tidel Technologies, Inc. et al.*, United States District Court for the Southern District of Texas, Houston Division, No. H-01-3741 (Executive Committee)

*In re U.S. Franchise Systems, Inc. Securities Litigation*, United States District Court for the Northern District of Georgia, Atlanta Division, No. 1:00-CV-1244-RLV (Co-Lead Counsel)

*In re U.S. Liquids Securities Litigation*, United States District Court for the Southern District of Texas, Houston Division, No. H-99-2785 (Co-Lead Counsel)

*In re United Television, Inc. Shareholders Litigation*, Delaware Chancery Court, New Castle County, C.A. No. 18218 NC (Co-Lead Counsel)

*Irene Abrams v. VanKampen Funds, Inc., et al.*, United States District Court for the Northern District of Illinois, Eastern Division, No. 01 C 7538 (Co-Lead Counsel)

*David T. O'Neal Trust v. Vanstar Corp. et al.*, Superior Court of the State of California, County of Alameda, No. V-014193-6 (Co-Lead Counsel; \$5 million settlement)

*John F. Ritter v. Joseph H. Kiser (Vari-L)*, District Court of Denver, Colorado, No. 00-CV-6001 (Lead Derivative Counsel)

*In re Vision America Securities Litigation*, United States District Court for the Middle District of Tennessee, Nashville Division, No. 3-00-0279 (Co-Lead Counsel; \$2.75 million settlement, \$3.4 million proposed settlement with auditors)

*Lawrence Feldman v. Walden Residential Properties, Inc., et al.*, County Court at Law #1, Dallas County, Texas, No. CC-99-11645-A (Lead Counsel for holders of common stock)

*Dorothy Coven v. World Fuel Services Corporation*, United States District Court for the Southern District of Florida, Miami Division, No. 00-0541-CIV-MORENO (Co-Lead Counsel)

## **EXHIBIT E**

## **GILMAN AND PASTOR, LLP**

### ***FIRM RESUME***

**GILMAN AND PASTOR, LLP** is a law firm which concentrates in class action litigation on behalf of consumers, small businesses and investors. The firm has broad experience in the areas of consumer protection, products liability, antitrust, securities and other types of complex litigation. Although Gilman and Pastor, LLP's offices are located in Massachusetts and Florida, the firm litigates cases throughout the country, including both federal and state courts. Many of the firm's cases have involved complex multi-district litigation, including appearances before the Judicial Panel on Multi District Litigation. The attorneys in the firm are experienced in, and thoroughly familiar with, all aspects of class action litigation, including the underlying substantive law, the procedures recommended in the Manual for Complex Litigation, and the substance and procedure of class certification. The firm has recovered hundreds of millions of dollars for the clients it has represented.

### ***REPRESENTATIVE CASES BY AREA OF PRACTICE***

#### **Securities**

The firm is actively involved in litigation on behalf of defrauded individual and institutional investors in both class action and shareholder derivative litigation.

The firm served as Co-Lead Counsel in In re Blech Securities Litigation, 94-CIV-7696-RWS (S.D. N.Y.) asserting market manipulation claims against the brokerage firm of D. Blech & Co., its principals, its clearing broker, and several other alleged participants in connection with an alleged scheme to inflate the prices of various biotechnology securities. In a vigorously litigated case, the firm and its co-counsel obtained certification of a class of purchasers of 22 separate securities, successfully opposed various motions to dismiss, and, subsequently, motions for summary judgment, and after extensive discovery and trial preparation, negotiated over \$15 million in cash settlements on behalf of the class. This case resulted in several reported opinions, including one that has been frequently cited and referred to by commentators on the issue of clearing broker liability. In re Blech Securities Litigation, 961 F. Supp. 569 (S.D. N.Y. 1997).

Gilman and Pastor, LLP served as Co-Lead Counsel in Hynes v. The Enstar Group, Inc., et al. 90-C-1204-N (M.D. Alabama). In the face of substantial risks of an unsuccessful outcome due to the bankruptcy (and consequent immunity from suit) of Enstar and the bankruptcy of Enstar's chairman who was the chief architect of the fraud, Gilman and Pastor, LLP aggressively litigated the case on behalf of the Class and obtained settlements totaling in excess of \$19 million from several defendants, including a major accounting firm, a major law firm, and former outside directors after the conclusion of extensive discovery and immediately prior to the scheduled trial. Subsequently, Gilman and Pastor, LLP won an additional \$4.1 million for the class in collateral litigation against Michael Milken and related entities.

The firm was Co-Lead Counsel in Cooper v. Kana, et al. Civil Action No. 3:98-CV-2804-M (N.D. Texas) on behalf of purchasers of CPS Systems, Inc. ("CPS") stock in connection with its \$8.74 million initial public offering ("IPO") and trading on the American Stock Exchange thereafter, against CPS, its officers and directors, the underwriters for its IPO, and CPS's independent auditors, alleging misstatements in the IPO Prospectus and subsequent press releases and SEC filings concerning CPS's revenue recognition methods and reported revenues and earnings. After CPS restated its earnings and filed bankruptcy, the firm and its co-counsel obtained class certification, defeated various motions to dismiss, conducted discovery, engaged in two separate mediations, and ultimately recovered \$3.44 million in cash settlements on behalf of the class against the remaining defendants.

The firm served as Co-Lead Counsel in Lynn v. Infinity Investors Limited, et al. 3:97-CV-226 (E.D. Tenn.), a case asserting claims for open market securities fraud and for breach of contract arising out of an alleged complex scheme to evade the requirements of Regulation S of the Securities Act of 1933 and to manipulate the market prices of United Petroleum Corporation ("UPET") stock. The firm obtained class certification, successfully objected to UPET's bankruptcy plan in another jurisdiction that would have otherwise dismissed the action with prejudice, and overcame other significant obstacles in a vigorously litigated case to ultimately obtain a \$4 million cash settlement, recovering a very substantial portion of actual losses claimed by class members.

Gilman and Pastor, LLP served as Co-Lead Counsel in In re Hallwood Energy Partners L.P. Securities Litigation, 90-Civ-1555-JFK (S.D.N.Y.) in which a \$9.1 million settlement was obtained after five years of intensive litigation. This class action arose out of a complex merger and exchange offer transaction involving several publicly traded oil and gas limited partnership entities. The litigation challenged the fairness of the exchange and involved highly complex oil and gas valuations and methodologies. Gilman and Pastor, LLP effectively managed the litigation and diligently prosecuted the case on behalf of a Class of approximately forty thousand unitholders.

Gilman and Pastor, LLP served as Co-Lead Counsel in Caven v. Miller, et al. No. H-96-CV-3464 (EW) (S.D. Tex.), a shareholder derivative action arising out of the merger of a publicly held hospital company with and into a firm in the same industry that had been privately held. After the merger, the successor firm downwardly restated its financial results due to its own previously undisclosed accounting irregularities and losses. After defeating motions to dismiss on various grounds, conducting discovery, and engaging in mediations, Plaintiffs recovered over \$18 million in benefits on behalf of the successor company from various insiders of both companies involved.

The firm served as one of four co-lead counsel representing a class of securities purchasers in In re Immunex Securities Litigation, No. C92-548 (W.D. Wash.), and obtained a settlement of \$14 million.

The firm served as one of three co-lead counsel representing a class of limited partners in In re Oxford Tax Exempt Fund Securities Litigation, No. 95-3643 (D. Md.), a case asserting federal securities and related common law claims arising out of a complex partnership restructuring transaction, and obtained a settlement valued in excess of \$11 million.

Gilman and Pastor, LLP served as lead counsel in Sullivan, et al. v. Shearson California Radisson Plaza Partners, Limited Partnership, et al., No. 89-5472-JMI (C.D. Cal.), a case arising out of a publicly offered limited partnership wherein claims under the 1934 Exchange Act and the 1933 Securities Act were asserted on behalf of the investors. The case involved complex issues of hotel appraisal and valuation, and resulted in a settlement valued in excess of \$11 million on behalf of the class.

In Hartley v. Stamford Towers Limited Partnership, et al., No. C-90-2146-JPV (N.D. Cal.), another action arising out of a public limited partnership offering, the firm served as co-lead counsel for the investor class and obtained a settlement of \$6.5 million. In that litigation the plaintiffs engaged in extensive discovery and negotiations and consultation with real estate valuation experts, in the face of several challenging obstacles.

The firm served as co-lead counsel representing a class of more than 4,000 investors in a series of oil and gas drilling programs in the Woodlands Energy and Development Corporation/ Intercomex Financial Corp. Litigation (encompassing several related civil actions in various federal and state courts in Texas and California). That litigation involved complicated securities issues, as well as certain novel insurance liability questions, and was also contested vigorously by the defendants with respect to every aspect of the case. In that case, plaintiffs' counsel overcame several rounds of briefing on motions to dismiss the pleadings and a vigorous opposition to class certification. Counsel then engaged in a long series of merits discovery, and eventually took part in intense negotiations that led to several partial settlements. Ultimately, Gilman and Pastor, LLP, together with their co-counsel, recovered in excess of \$11 million for investors.

The firm was one of four firms actively involved in Alert Income Partners Securities Litigation, No. 92-2-9150 (D. Colo.) a securities class action brought against promoters of a series of limited partnerships, their auditors and other parties. After extensive discovery, a settlement was reached valued at \$60 million.

Gilman and Pastor, LLP, as lead class counsel, achieved a successful settlement in the case of Hutson, et al. v. Merrill Lynch, Pierce, Fenner & Smith, et al., No. 89 Civ. 8358 (L.M.M.) (S.D.N.Y.). That case, which arose out of the offering of limited partnership interests, involved mortgage revenue bonds issued by many state and local government agencies which were secured by participating non-recourse mortgage loans on fourteen apartment projects and retirement communities. As lead counsel, Gilman and Pastor, LLP was responsible for and managed all aspects of the complex litigation which also involved the subject areas of real estate financing and valuation, secured lending and foreclosure. In addition, because the case involved a 1985

offering, there were serious statute of limitations questions facing plaintiffs and plaintiffs' counsel. Despite these momentous problems, the firm obtained a settlement valued at \$14 million for the class. Judge McKenna, in approving the settlement, praised plaintiffs' counsel for their efficient work.

Gilman and Pastor, LLP was one of five firms actively involved in the In re Granada Partnership Securities Litigation, MDL No. 837 (S.D. Tex.), in which a partial settlement in excess of \$14 million was reached with certain of the defendants. This was an extremely contentious lawsuit in which every procedural step was a pitched battle. After protracted litigation with extensive motion practice, the partial settlement was reached, which accounted for virtually all of the available financial resources of the settling defendants.

Other examples of the firm's litigation ability are the dual settlements achieved in the related cases styled In re Permian Partners, L.P. Securities Litigation, No. 11373 (Del. Ch. Ct.) and Rodgers v. National Intergroup, Inc., et al. No. 90-11653-Z (D. Mass.). Gilman and Pastor, LLP was designated as lead counsel and directed and participated in every aspect of the cases. The first settlement, valued at \$6.1 million, plus non-monetary benefits, arose out of an action in the Delaware Chancery Court challenging a merger of limited partnership interests. Gilman and Pastor, LLP conducted extensive discovery in that litigation, most of which was done on an expedited basis, and consulted with experts, including authorities on oil and gas. The litigation involved many complex issues, including issues relating to the valuation of interstate and intrastate pipeline assets. The settlement was reached after the conclusion of expedited discovery and prior to a hearing on our motion for preliminary injunction. The second settlement successfully concluded litigation in the U.S District Court in Massachusetts arising out of the 1987 public offering of the partnership interests which later became the subject of the merger proposal.

Gilman and Pastor, LLP has also played a major role in significant litigation challenging limited partnership roll-ups, restructurings, exchanges and mergers, including the Hallwood Energy, Oxford and Permian cases described above, Adam et al. v. Berkshire Realty Corporation, No. 90-12864 WF (D. Mass), where the firm served as co-lead counsel and achieved a settlement consisting of cash and warrants valued at \$7.5 million, In re Equitec Rollup Litigation, Master File No. C-90-2064 (N.D. Cal); Laurence v. Brewer, No. 97-15464 (Del. Ch. Ct.), where the firm served as co-lead counsel (challenging a tender offer by general partners for publicly traded master limited partnership, and obtaining settlement with establishment of dividend payments to limited partners); LLOV Partners v. INCO Limited, No. 00-4999 (NHP) (D.N.J.) (challenging tender offer by parent company for tracking stock of subsidiary); and Rosenblum v. Equis Financial Group, No. 98-8030 (S.D. Fla.) (class and derivative settlements on behalf of three subclasses).

Gilman and Pastor, LLP has also been actively involved in numerous other class actions arising under the federal securities laws, including In re Painewebber Inc. Limited Partnership Litigation, No. 94-CV-8547 (S.D.N.Y.); In re The One Bancorp Securities Litigation, No. 89-0315-P (D.



Me.); In re VMS Securities Litigation, No. 89C 9448 (N.D. Ill.); In re Shearson Union Square Associates Securities Litigation, (Del. Ch. Ct.); In re Software Publishing Securities Litigation, C-93-20246 (N.D. Cal.); In re Prudential-Bache Energy Income Partnerships Litigation, MDL No. 888 (E.D. LA); In Re: T<sup>2</sup> Medical Inc. Shareholder Litigation, 92-CIV-1564 (N.D. Ga.); In re Interneuron Pharmaceuticals Securities Litigation; 97-12254 (D. Mass.); In re UDC Homes Securities Litigation, 95-08941 (Maricopa County, AZ Superior Ct.); and In re Towers Financial Securities Litigation, 93-0810 (S.D.N.Y.).

### **Defective Products**

Gilman and Pastor, LLP is actively involved in litigation involving defective products, including defective building products, pharmaceutical products, motor vehicles, electronics and other products.

In Sebago, Inc., et al. v. Beazer East, Inc., et al., No. 96-10069 (D. Mass.), Gilman and Pastor, LLP served as lead class counsel in a suit on behalf of owners of buildings with corrosive phenolic foam roof insulation. The litigation was extremely contentious, involved numerous potentially dispositive motions, discovery motions and extensive class certification proceedings. The defendants ultimately produced hundreds of thousands of documents as well as hundreds of depositions. To prepare for hearings on class certification, summary judgment and trial, Gilman and Pastor marshaled testimony from experts in a variety of disciplines, including roof engineering, structural engineering, materials science and corrosion, and financial analysis. The firm obtained a significant decision upholding RICO claims against the manufacturers. See Sebago, Inc. v. Beazer East, Inc., 18 F. Supp. 2d 70 (D.Mass. 1998). The Court recently approved nationwide class settlements with the two manufacturers of the phenolic foam insulation, worth a combined estimated present value of more than \$240 million.

In Coleman, et al. v. GAF Building Materials Corporation, No. CV-96-0954-GALANOS (Circuit Court of Mobile County, Alabama), Gilman and Pastor, LLP served as lead counsel for a nationwide class of persons who owned properties with defective roofing shingles. The firm recently obtained a settlement with benefits estimated at a present value in excess of \$75 million.

In Paradis v. Bird Incorporated, No. 00-C-0235 (Merrimack, N.H. Superior Court), Gilman and Pastor, LLP served as lead counsel on behalf of purchasers of Bird defective roofing shingles. The settlement obtained was valued at approximately \$9.6 million.

Other cases handled by the firm involving defective building products include Foster v. ABTco, Inc. (Civil Action No. CV95-151-M, Choctaw County, Alabama) (defective hardboard siding; nationwide class certified and class settlement approved); In re Louisiana-Pacific Corporation Inner-Seal OSB Trade Practices Litigation, (Master File No. C-95-3178-VRW, N.D.Cal.) (defective oriented strand board (OSB); nationwide class certified and settlement approved).

### **Consumer Protection and Antitrust**

The firm is also actively involved in litigation involving price-fixing and other anti-competitive conduct, deceptive sales practices, and unfair and deceptive trade practices.

Gilman and Pastor, LLP served as a member of the Plaintiffs Steering Committee in Ciardi v. F. Hoffman-LaRoche, Ltd., et al., (Civil Action No. 99-03244, Middlesex Superior Court Department, Mass.), a case that created new law in Massachusetts conferring standing upon indirect purchasers for claims arising from price-fixing or other anti-competitive conduct. Settlement funds valued at over \$22.5 million were obtained and distributed to over 300 charitable organizations providing food and nutrition programs in Massachusetts.

Gilman and Pastor, LLP served as sole counsel in Boos v. Abbott Laboratories, No. 95-10091 (D.Mass.), which was the first case in which indirect purchasers in Massachusetts ever recovered damages arising from a price-fixing conspiracy. The case was settled in 1997 for \$2.5 million.

Gilman and Pastor, LLP served as lead counsel in Muccioli v. Sony Computer Entertainment America, Inc., No. 413148 (San Mateo Cty. California Superior Court) and obtained a substantial nationwide class settlement that provided free service and repairs during an extended warranty period and partial refunds of past repair costs to purchasers of Sony Playstation Models 1001 and 5501 in an action arising out of alleged product defects, breaches of warranty, and deceptive trade practices.

The firm was lead counsel in Hardy v. Sears Roebuck & Co., Civil Action No. 98-CH-06305 (Cook County, Illinois) obtaining a nationwide class settlement which provided warranty repairs to consumers who purchased home improvement services from Sears and its authorized contractors.

The firm is a member of the Plaintiffs' Counsels' Steering Committee in In re High Fructose Corn Syrup Antitrust Litigation, MDL No. 1083, U.S. District Court for the Central District of Illinois, antitrust suit on behalf of businesses which purchased high fructose corn syrup at prices which were inflated due to a massive, world-wide price-fixing conspiracy.

Gilman and Pastor, LLP served as sole counsel for the class in Anslono v. Thorn Americas, Inc. (Civil Action No. 98-0049, Suffolk Superior Court Department, Mass.), and obtained a class settlement of claims for false advertising of "rent to own" contracts.

In In re Packard Bell Consumer Class Action Litigation, No. BC 125671 (California Superior Court), Gilman and Pastor, LLP served as counsel and obtained a substantial settlement for purchasers of "reconditioned" personal computer systems which were falsely advertised as "new."

In In re Miracle Ear Consumer Litigation, No. 94-1696 (Dist. Ct. Minn.), Gilman and Pastor, LLP served as counsel and obtained a substantial settlement for purchasers of hearing aids which had been falsely advertised.

Gilman and Pastor, LLP has been actively involved in litigation arising from life insurance sales practices, including Michaels v. Phoenix Home Life Mutual Insurance Company, Index No. 5318-95 (NY.Sup.Ct., Albany County), 1997 N.Y.Misc. LEXIS 171 (1996) (approving class settlement); Natal v. Transamerica Occidental Life Insurance Company, Index No. 694829 (CA.Sup.Ct., San Diego County, 1997) (approving class settlement); In re: Manufacturers Life Insurance Company Premium Litigation, MDL No. 1109 (S.D.Cal.) (substantial settlement for class); In re: Sun Life Assurance Company of Canada Insurance Litigation, MDL No. 1102 (D.N.J.) (substantial settlement for class); In re: New England Mutual Life Insurance Company Sales Practices Litigation, MDL No. 1105 (D.Mass.) (court appointed Gilman and Pastor, LLP as liaison counsel in MDL proceeding; court subsequently approved substantial class settlement); Duhaine v. John Hancock Mutual Life Insurance Company (Civil Action No. 96-10706-GAO, D.Mass.) (substantial class settlement).

Gilman and Pastor, LLP has developed unique expertise in litigation involving pyramid marketing schemes, including obtaining significant decisions in Webster v. Omnitrition, 79 F.3d 776, 782 (9th Cir. 1996) (holding that multi-level marketing firm could be found to be a pyramid scheme and an investment security where there was no evidence that it actually enforced "anti-pyramid" requirements; class settlement approved following successful appeal by Gilman and Pastor); Capone v. Nu Skin Canada, Inc. (Case No. 93-C-2855, D.Utah) (Gilman and Pastor obtained court approval of settlement of class claims against multi-level marketing firm after successfully opposing multiple motions to dismiss and for summary judgment and after extensive discovery); Rhodes v. Consumers' Buyline, Inc., 868 F.Supp. 368 (D.Mass. 1993) (case settled after Gilman and Pastor obtained court ruling that contractual arbitration clause was unenforceable because distributorship agreement violated public policies against pyramid marketing schemes).

### **ATTORNEYS**

**KENNETH G. GILMAN** is a 1979 graduate of Suffolk University Law School and received a Bachelor of Arts degree from Boston University in 1976. Mr. Gilman was previously associated with Gilman, McLaughlin and Hanrahan in Boston, Massachusetts and with the firm of Blackwell, Walker, Gray, Powers, Flick and Hoehl in Miami, Florida. Mr. Gilman has had experience in various types of complex civil litigation, including corporate and commercial litigation and multi-party tort litigation. He is a member of the bar of the Commonwealth of Massachusetts, the U.S. District Court for the District of Massachusetts and the U.S. District Court for the Southern District of Florida.

Prior to the formation of the firm, Mr. Gilman had substantial experience in the prosecution and defense of complex securities and antitrust litigation. During the period from 1980 through 1984, he participated as counsel to the Equity Receiver in the Lloyd Carr and Company

commodities fraud litigation. In that capacity, he prosecuted complex litigation in Federal courts in Massachusetts and Florida, resulting in significant recoveries for defrauded investors. Also as part of this litigation, Mr. Gilman acted as special counsel for the Department of Justice, and prosecuted complex civil action on its behalf.

In 1985, Mr. Gilman was appointed by the United States District Court for the Southern District of Florida as the Equity Receiver in the Intercontinental Commodities litigation. As receiver, Mr. Gilman was entrusted with the responsibility for taking possession of all assets and property belonging to the various funds, determining and protecting the interests of investors and initiating litigation necessary and appropriate to recover assets belonging to the funds. This litigation involved more than 1,000 defrauded investors in the various commodity funds. In a related civil action, Mr. Gilman represented a certified class of more than 1,000 investors in a class action against accountants arising out of the auditing of several limited partnership commodity pools. Despite several complex and difficult liability issues facing the plaintiffs and the class, the matter was successfully settled in 1990, immediately prior to the scheduled trial.

**DAVID PASTOR** is a 1979 graduate of Boston University School of Law and a 1976 graduate of Haverford College. During law school, Mr. Pastor served as a clerk to two Wisconsin Circuit Court judges. Prior to the formation of the firm, Mr. Pastor gained substantial litigation experience working for the firm of Kopelman and Paige in Boston, Massachusetts. While at that firm, which concentrates in municipal law and civil litigation, Mr. Pastor participated in the firm's services as town counsel for approximately fifteen municipalities throughout the Commonwealth of Massachusetts. Mr. Pastor is a member of the bar of the Commonwealth of Massachusetts, the U.S. District Court for the District of Massachusetts and the U.S. Court of Appeals for the First Circuit.

**PETER A. LAGORIO** is a 1994 graduate of New England School of Law (J.D.) and received a Bachelors of Science degree from Boston College School of Management in 1977 concentrating in Accounting. Mr. Lagorio has had experience in a wide variety of complex consumer and securities class action and shareholder derivative litigation. He is a member of the bar for the Commonwealth of Massachusetts, the U.S. District Court for the District of Massachusetts and the U.S. Court of Appeals for the First Circuit. Prior to joining the firm, Mr. Lagorio had been employed as a financial analyst, registered securities representative, and investment advisor for several years.

**JOHN C. MARTLAND** is a 1978 graduate of Suffolk University Law School (J.D.) and received a Bachelor of Arts degree from Colby College in 1972. Mr. Martland was previously associated with the Law Offices of Harold Brown in Boston, Massachusetts, where he was the senior trial attorney and with the firm of Ring and Rudnick, also located in Boston. Mr. Martland has had experience in a wide variety of complex civil litigation and been trial counsel in complex civil actions in state and federal courts throughout the United States. He has served as counsel in complex business litigation in state courts in Massachusetts, New Hampshire and Maine. He has represented franchisees in arbitration proceedings before the American Arbitration Association in Massachusetts, North Carolina, Illinois and New Jersey. He is a member of the bar of the

Supreme Judicial Court of Massachusetts, the U.S. District Court for the District of Massachusetts, the U.S. Court of Appeals for the First Circuit, and the Supreme Court of the United States of America. He is a member of the Massachusetts Bar Association and the American Bar Association and is a member of the ABA Antitrust Section. Mr. Martland was a speaker at the 1998 Annual Forum on Franchising of the American Bar Association, where he delivered a paper entitled "Mediation: An In-Depth Analysis of the Process and the Techniques - the Franchisee Perspective" and has been a frequent speaker at the annual conventions of the American Franchise Association and the American Association of Franchisees and Dealers on franchise law topics.

**DOUGLAS M. BROOKS** is a 1982 graduate of Suffolk University Law School (J.D.) and received a Bachelor of Arts degree from Northwestern University in 1979. He was a Note Editor for the Suffolk University Transnational Law Journal in 1981-1982. Mr. Brooks was previously associated with the Law Offices of Harold Brown in Boston, Massachusetts. Mr. Brooks has litigated a wide variety of civil cases, including matters involving franchising, dealer and distribution, as well as securities actions. He is a member of the bar of the Commonwealth of Massachusetts, the U.S. District Court for the District of Massachusetts, and the U.S. Court of Appeals for the First Circuit. He is a member of the Massachusetts Bar Association and a member of the Forum on Franchising and Litigation Section of the American Bar Association. Mr. Brooks was a speaker at the 1995 Annual Forum on Franchising of the American Bar Association, where he delivered a paper entitled "Survey Evidence - Use of Collected Data in Encroachment Cases" and has been a frequent speaker at the annual conventions of the American Association of Franchisees and Dealers and the American Franchise Association.

**DANIEL D'ANGELO** is a 1995 cum laude graduate of New England School of Law (J.D.) received a Bachelor of Arts degree from Bucknell University. Mr. D'Angelo was a Case Note Editor for the New England Journal on Criminal & Civil Confinement and published an article entitled Reno v. Flores: What Rights Should Detained Alien Juveniles Be Afforded? He is a member of the bar for the Commonwealth of Massachusetts, the Commonwealth of Pennsylvania, the U.S. District Court for the District of Massachusetts, and the U.S. Court of Appeals for the First Circuit. Mr. D'Angelo has experience in a variety of antitrust and consumer protection class actions.

**EDWARD L. MANCHUR** is a 1981 graduate of Indiana University School of Law (J.D.) and received a Bachelor of Science degree from Northeastern University in 1978. Mr. Manchur also received an LL.M. in taxation from New York University in 1983. Mr. Manchur has had experience in a wide variety of complex civil litigation including securities and consumer class actions. He is a member of the bar for the Commonwealth of Massachusetts, the U.S. District Court for the District of Massachusetts, and the U.S. Court of Appeals for the First Circuit. Prior to joining the firm, Mr. Manchur had extensive experience in structuring, analyzing and advising on various complex business transactions.